

2590

2 Peros Co.

File 4613 X 76

El Paso Scrip.

457

Wst. 854

Texas and Pacific Railway Company.

QX 3 646 32
Company Survey No. 171

State Survey 686 3
No. 172

640 Acres Each.

Certificate No. 1/613

Correct on Map of Peros Co.
Aug 30/96. E. Schuch.

January 31/87.
O. von Rosenberg

Our W. 171 correct
for patenting

Feb 7/3/87

Patents a Feb 7/4/87

No 83 vol 101

mkd ptd

4 Res

Cor. FN. N. 171

CORRECT ON MAP FOR 646 32 ACRES to

L. E. EDWARDS, 12-10-1944 -
LOCATER.

20247 ac. Inc. abt. Vol. 90

W. C. Sept 4/93. Bricker

1 Cord
200 Field Notes

Dec 9/93

Chas. J. J. J.

4 application 8-23-44 JR

5. Affid of ownership " "

6. Cor. FN. #171-8-23-1944- JR

7. Acceptance 11-8-44 JR

8. Receipt 11-10-44- JR

9. Cor. F. Notes #172 9/29/48 VES

LET DEED OF ACQUITTANCE ISSUE

10. Questionnaire

11-140-44 JR

11-8-1944

Rec fee 1.00

Tracy, Burr & McLaughlin
Republic Bank Bldg
Dallas, Tex

NOV 16 1944

Deed of Acquittance

No. 457 Vol. 75

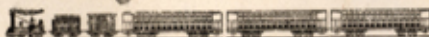
Mailed Co. Clk. NOV 20 1944

paid in full
for 6 32 ac ex. 11-10-1944 ex. 1.00

LAND SCRIP.

640 Acres.

The State of Texas, General Land Office,



THIS IS TO CERTIFY, That the **Texas and Pacific Railway Company,** having completed a section of 52 miles and 4033 feet of their road, to-wit;

First. From East Block Longview Depot, West, 20 miles, switches and turn-outs 4528 feet.

Second. Commencing 44 feet, East of the East bench of Trinity bridge, at Dallas East, 20 miles, switches and turnouts 10,065 feet.

Third. Commencing at twenty-mile stake, West from Longview, and running West ten miles; making a total measurement of main track, single line, fifty (50) miles, and of switches and turnouts two (2) miles and 4033 feet.

Is entitled, under the provisions of its Charter, and the General Laws governing the same, to

Six Hundred and Forty Acres of Land,

which may—by virtue of this certificate—be located upon the odd sections within said Railway Company's Reservations, or upon any of the unreserved, vacant and unappropriated Public Domain of the State of Texas, and to be surveyed in the following manner:

First. Two sections of land adjoining and connecting with each other must be surveyed, one for the State and the other for the Company.

Second. The surveys to be made square, unless prevented by previous entrees or navigable streams.

Third. The Commissioner will select and number the surveys and report the result to the surveyor, who will fill up the blanks left in his office for that purpose, accordingly. [As a matter of convenience in describing the surveys, when reporting the numbers the surveyor should number the field notes temporarily in pencil.]

Fourth. Fractions of land of a less size than 1280 acres of land, surrounded by previous surveys, must be equally divided, one-half surveyed for the State and the other half for the Company, and the residue of the certificate may in like manner be located elsewhere, until the same is exhausted.

Fifth. The even numbers will be reserved to the State and the odd numbers to the Company.

In Testimony Whereof, I hereunto set my hand and affix the impress of the Seal of said Office, this seventh day of July, 1873.

Jacob Ruechler

• Commissioner.

4613

FILE

Certificate No. 640 Acres.

TEXAS & PACIFIC RAILWAY COMPANY

Filed in the General Land Office.

Commissioner.



Scale 4000 vs. per inch.

Variation 11° 30' East.

The State of Texas,

Eldorado DISTRICT.

SURVEY NO. 171

BLOCK NO. 3

Field Notes of a survey of 640 acres of land, made for
THE TEXAS AND PACIFIC RAILWAY COMPANY, by virtue
of Certificate No. 555 issued by the Commissioner of the General Land
Office, under an Act to adjust and define the rights of **The Texas and
Pacific Railway Company** within the State of Texas, in order to
encourage the speedy construction of a railway through the State to the
Pacific Ocean.

Situated in Pecos Co. Eldorado District, on the waters of Dog Creek
a tributary of Rio Grande River, about 39 miles N 62° W from Fort Davis
and known as Survey No. 171 in block No. 3

Beginning at the S.E. Cor of Survey 166 & N.E. Cor of this
Tract 1900 on State for Cor
" North 1900 " " " "
" North 1900 " " " "
" East 1900 " to beg " "

Bearings marked III

Surveyed, July 15th, 1873,

Geo H Stone

Frank Percy

Chain Carriers.

I, L. E. Edwards Deputy Surveyor, Eldorado District,
Do Hereby Certify, that the foregoing Survey has been made according to law, and that the limits, boundaries
and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field notes.

L. E. Edwards

Deputy Surveyor,

Eldorado

District.

I, Wm Jay District Surveyor, Eldorado District,
Do Hereby Certify, that I have examined the foregoing plat and field notes, and find them correct, and that
they are recorded in my office, in Book A, No. 8, page 139

Wm Jay
District Surveyor

Eldorado District.



Scale 4000 vs. per inch.

Variation $11^{\circ}30'$ East.

The State of Texas,

El Paso DISTRICT.

SURVEY NO. *172*

BLOCK NO. *3*

Field Notes of a survey of 640 acres of land, made for
THE TEXAS AND PACIFIC RAILWAY COMPANY, by virtue
of Certificate No. *152*₆₁₅ issued by the Commissioner of the General Land
Office, under an Act to adjust and define the rights of **The Texas and
Pacific Railway Company** within the State of Texas, in order to
encourage the speedy construction of a railway through the State to the
Pacific Ocean.

Situated in *Pecos Co.* ~~*El Paso*~~ District, on the waters of *Dog Creek*
a tributary of *Rio Grande* River, about *41* miles *W 76° E* from Fort Davis
and known as Survey No. *172* in block No. *3*

Beginning at *The S. E. Cor of Survey 165* *W 6° E* Cor of this

Thence South 1900 *to* *the* *State* *for* *cor*

" *West 1900* " " " "

" *West 1900* " " " "

" *East 1900* " *to* *by* " "

Bearings marked *IXIII*

Surveyed, *July 15th*, 1873,

John Edgar
P. M. Guine

Chain Carriers.

I, *L. E. Edwards* Deputy Surveyor, *El Paso* District,
Do Hereby Certify, that the foregoing Survey has been made according to law, and that the limits, boundaries
and corners, with the marks, natural and artificial, are truly described in the foregoing plat and field notes.

L. E. Edwards

Deputy Surveyor,

El Paso District.

I, *J. W. Tarp* District Surveyor, *El Paso* District,
Do Hereby Certify, that I have examined the foregoing plat and field notes, and find them correct, and that
they are recorded in my office, in Book A, No. 8, page *140*

J. W. Tarp

District Surveyor

El Paso District.

316

APPLICATION TO PURCHASE EXCESS ACREAGE

(Titled or Patented Surveys)

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

We
1. I hereby apply to purchase for cash the excess acreage within the following described survey, the area of which is believed to exceed the quantity called for in the Patent, under the provisions of Section 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

2. The said tract of land is known as Texas & Pacific Ry. Co.
Survey, No. 171, Block No. 3, Certificate No. 1/615, Tsp. No. -,
situated in Pecos County, Texas, about 21-1/2 miles S. 64 1/2° W. from
Fort Stockton, the county seat.

We are
3. I am the owner of the entire interest in said survey, as shown by the instruments attached hereto and made a part hereof as proof of my right to purchase,* and I am therefore entitled to pay for such excess acreage as actually exists within such survey at such price as the School Land Board may fix.

We
4. I hereby request an appraisalment of said land as is fully described by corrected field notes of this survey which accompany this application.

George C. Fraser
George L. Burr
David H. McAlpin
By: Ray McDowell

Applicant

Ray McDowell, General & State Agent
Post Office Dallas, Texas

*NOTE: A statement of facts, properly sworn to, pertaining to the applicant's right to purchase must accompany the application to purchase. If the evidence submitted with the application as proof of the applicant's right to purchase should be insufficient, it will then be necessary to furnish such other evidence of his right to purchase as the Commissioner may require.

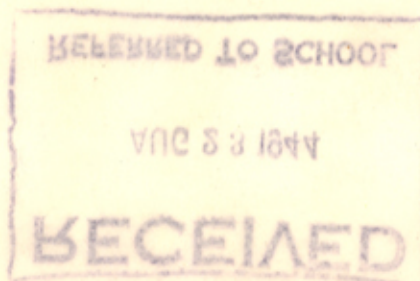
CERTIFICATE

I, H. C. Bishop, Secretary of the School Land Board, do hereby certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the 26th day of October, A. D. 1944, the price at which the excess acreage within the tract of land described in the above application No. 2590, shall be sold, was fixed by the School Land Board at Three & no/100 Dollars per acre, all of which is shown in Vol. 3, Page 146, of the Minutes of said Board.

Given under my hand this the 27th day of October, A. D. 1944, at Austin, Texas.

H. C. Bishop
Secretary of the School Land Board

S4083-839-



RECEIVED

AUG 23 1944

REFERRED TO SCHOOL

+ map

Secretary of the School Land Board

Austin, Texas.

Given under my hand this the 22th day of October, A. D. 1944, at

Minutes of said Board.

at Three & no dollars per acre, all of which is shown in Vol. 3, Page 140, of the

land described in the above application No. 5220, shall be sold, was fixed by the School Land Board

day of October

A. D. 1944

the price at which the excess acreage within the tract of

certify that at a regular meeting of said board held in the General Land Office, Austin, Texas, on the 26th

H. C. Bishop

Secretary of the School Land Board, do hereby

CERTIFICATE

may reduce.

Insufficient. It will then be necessary to furnish such other evidence of his right to purchase as the Commissioner

Post Office

Ray McDowell, General & State Agent

BY: David H. McLaughlin

George L. Burr

George C. Fraser

Commissioner

Commissioner

GENERAL LAND OFFICE
Austin, Texas

No.

2590

APPLICATION TO PURCHASE
EXCESS ACREAGE
(Titled or Patented Surveys)

of

George C. Fraser et al

Dallas

Texas

Sec. 171; Blk. 3, T & P Ry. Co. Survey

Pecos

County, Texas

Filed

August 23, A. D. 1944

Approved
Rejected

10-26-44

Bascom Giles

Commissioner

Survey, No. 171

Block No.

Dallas

Pecos

Filed

Approved
Rejected

Texas & Pacific Ry. Co.

S. The said tract of land is known as
ture, and approved June 13, 1939.

the provisions of Section 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legisla-
which is believed to exceed the quantity called for in the Patent under

I, I hereby apply to purchase for cash the excess acreage within the following described survey, the size of
No.

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

(Titled or Patented Surveys)

APPLICATION TO PURCHASE EXCESS ACREAGE

BS 413 (4)

310

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared Ray McDowell, General and State Agent for George C. Fraser, Jr., George L. Burr and David H. McAlpin, known to me to be a credible person, who, being by me duly sworn, upon his oath deposes and says:

That on February 4, 1887 Survey 171, Block 3, Certificate 1/615 Texas & Pacific Railway Company Survey, was sold by an award of the State of Texas to The Texas & Pacific Railway Company as Patent No. 83, Vol. 101;

That on May 15, 1875 The Texas & Pacific Railway Company mortgaged said section of land by a mortgage executed to W. T. Walters and George D. Krumbhaar, Trustees, recorded in Vol. 1, page 352, Pecos County Deed Records;

On March 23, 1876 The Texas & Pacific Railway Company executed a supplemental mortgage on said property to W. T. Walters and George D. Krumbhaar, Trustees, same being recorded in Vol. 1, page 367, Pecos County Deed Records;

On July 1, 1882 Charles E. Satterlee and George J. Gould were appointed Trustees under said mortgages, by William B. Wood, Justice of the Supreme Court of the United States, under an instrument recorded in Vol. 13, page 186, Pecos County Deed Records, said appointment being made because of the resignation of W. T. Walters and George D. Krumbhaar as Trustees;

On December 16, 1885 an order was entered in Cause No. 11181, in the United States Circuit Court for the Eastern District of Louisiana, styled the Missouri Pacific Railway Company vs. The Texas & Pacific Railway Company, in which Lionel A. Sheldon and John C. Brown were appointed receivers for The Texas & Pacific Railway Company, a certified copy of such order being recorded in Vol. 13, page 175, Pecos County Deed Records;

On August 4, 1887 The Texas & Pacific Railway Company, Charles E. Satterlee and George J. Gould, Trustees of the above mentioned income and land grant mortgage dated May 15, 1875 and the above mentioned supplemental mortgage dated March 23, 1876, and John C. Brown and Lionel A. Sheldon, receivers of The Texas & Pacific Railway Company, conveyed the property to Charles J. Canda, Simeon J. Drake and William Strauss by deed recorded in Vol. 13, page 409, Pecos County Deed Records; and Vol. A4, page 260;

On May 9, 1912 Charles E. Satterlee and George J. Gould as Trustees of the above mentioned income and land grant mortgage and supplemental mortgage, executed a release covering said property to The Texas & Pacific Railway Company, said release being recorded in Vol. 26, page 260, Pecos County Deed Records;

On June 22, 1893 a judgment was entered in Cause No. 10351 in the District Court of Travis County, Texas, styled The State of Texas vs. Charles J. Canda, Simeon J. Drake and William Strauss, in which the title to said property was adjudged to be in the defendants and that the State of Texas had no further claim against the same, a certified copy of said judgment being recorded in Vol. 13, page 153, Pecos County Deed Records;

On September 11, 1902 certified copies of the Will and Probate Proceedings in connection with the estate of William Strauss were filed in Vol. 10, page 243, Pecos County Deed Records, in which the said William Strauss devised his interest in said property to Daisy Strauss, and Daisy Strauss and Henry S. Strauss were appointed executors of the estate of William Strauss;

On August 7, 1902 Daisy Strauss, individually and as executrix of the Estate of William Strauss, and Henry S. Strauss, executor of the Estate of William Strauss, conveyed the interest formerly owned by William Strauss to Charles J. Canda, Simeon J. Drake and Edwin Einstein, by deed recorded in Vol. 10, page 230, Pecos County Deed Records;

On October 7, 1905 certified copies of the Will and Probate Proceedings in connection with the estate of Edwin Einstein were filed and recorded in Vol. 12, page 426, Pecos County Deed Records, in which the said Edwin Einstein devised his interest in said property to his wife, Fannie H. Einstein, and appointed her executrix of his estate;

BEFORE ME, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared Ray McDowell, General and State Agent for George C. Fraser, Jr., George L. Burr and David H. McAlpin, known to me to be a credible person, who, being by me duly sworn, upon his oath deposes and says:

That on February 4, 1887 Survey 171, Block 3, Certificate 1/615 Texas & Pacific Railway Company Survey, was sold by an award of the State of Texas to the Texas & Pacific Railway Company as Patent No. 83, Vol. 101; That on May 15, 1875 The Texas & Pacific Railway Company mortgaged said section of land by a mortgage executed to W. T. Walters and George D. Krumpholtz, Trustees, recorded in Vol. 1, page 352, Pecos County Deed Records; On March 23, 1876 The Texas & Pacific Railway Company executed a supplemental mortgage on said property to W. T. Walters and George D. Krumpholtz, Trustees, same being recorded in Vol. 1, page 367, Pecos County Deed Records; On July 1, 1882 Charles E. Satterlee and George J. Gould were appointed Trustees under said mortgages, by William B. Wood, Justice of the Supreme Court of the United States, under an instrument recorded in Vol. 13, page 186, Pecos County Deed Records, said appointment being made because of the resignation of W. T. Walters and George D. Krumpholtz as Trustees; On December 16, 1885 an order was entered in Cause No. 11181, in the United States Circuit Court for the Eastern District of Louisiana, styled The Missouri Pacific Railway Company vs. The Texas & Pacific Railway Company, in which Lionel A. Sheldon and John C. Brown were appointed receivers for The Texas & Pacific Railway Company, a certified copy of such order being recorded in Vol. 13, page 175, Pecos County Deed Records; On August 4, 1887 The Texas & Pacific Railway Company, Charles E. Satterlee and George J. Gould, Trustees of the above mentioned income and land grant mortgage dated May 15, 1875 and the above mentioned supplemental mortgage dated March 23, 1876, and John C. Brown and Lionel A. Sheldon, receivers of The Texas & Pacific Railway Company, conveyed the property to Charles J. Ganda, Simon J. Drake and William Stranus by deed recorded in Vol. 13, page 409, Pecos County Deed Records; and Vol. 44, page 260; On May 9, 1912 Charles E. Satterlee and George J. Gould as Trustees of the above mentioned income and land grant mortgage and supplemental mortgage, executed a release covering said property to The Texas & Pacific Railway Company, said release being recorded in Vol. 26, page 260, Pecos County Deed Records; On June 22, 1893 a judgment was entered in Cause No. 10351 in the District Court of Travis County, Texas, styled The State of Texas vs. Charles J. Ganda, Simon J. Drake and William Stranus, in which the title to said property was adjudged to be in the defendants and that the State of Texas had no further claim against the same, a certified copy of said judgment being recorded in Vol. 13, page 153, Pecos County Deed Records; On September 11, 1902 certified copies of the Will and Probate Proceedings in connection with the estate of William Stranus were filed in Vol. 10, page 243, Pecos County Deed Records, in which the said William Stranus devised his interest in said property to Daisy Stranus, and Daisy Stranus and Henry S. Stranus were appointed executors of the estate of William Stranus; On August 7, 1902 Daisy Stranus, individually and as executrix of the Estate of William Stranus, and Henry S. Stranus, executor of the Estate of William Stranus, conveyed the interest formerly owned by William Stranus to Charles J. Ganda, Simon J. Drake and Edwin Einstein, by deed recorded in Vol. 10, page 230, Pecos County Deed Records; On October 7, 1905 certified copies of the Will and Probate Proceedings in connection with the estate of Edwin Einstein were filed and recorded in Vol. 12, page 426, Pecos County Deed Records, in which the said Edwin Einstein devised his interest in said property to his wife, Fannie H. Einstein, and appointed her executrix of his estate;

Ex-5-4613

By deed dated April 24, 1905 Fannie H. Einstein, individually and as executrix of the Estate of Edwin Einstein conveyed the interest of said Edwin Einstein in said property to Charles J. Canda, Simeon J. Drake and Sigmund Neustadt, said deed being recorded in Vol. 12, page 314, Pecos County Deed Records;

On November 16, 1909 certified copies of the Will and Probate Proceedings in connection with the estate of Sigmund Neustadt were filed and recorded in Vol. 15, page 493, Pecos County Deed Records, and in which Agnes Neustadt, Casimer I. Stralem and Mortimer L. Schiff were appointed executors and trustees of the estate of Sigmund Neustadt;

By deed dated August 20, 1909, Agnes Neustadt, Casimer I. Stralem and Mortimer L. Schiff, as executors and trustees of the estate of Sigmund Neustadt, and Agnes Neustadt, individually, conveyed the Sigmund Neustadt interest in the property to Charles J. Canda, Simeon J. Drake and Alphonse Kloh, said deed being recorded in Vol. 15, page 376, Pecos County Deed Records;

On December 5, 1916 certified copies of the Will and Probate Proceedings in connection with the estate of Simeon J. Drake, in which the said Simeon J. Drake appointed Craig F. R. Drake, Simeon J. Drake, Jr. and Henry B. Brown as executors of his estate, were filed and recorded in Vol. 35, page 258, Pecos County Deed Records;

By deed dated January 20, 1915, Craig F. R. Drake, Simeon J. Drake, Jr. and Henry B. Brown, executors and Union Trust Company of New York, Trustee of the Estate of Simeon J. Drake, conveyed the interest of Simeon J. Drake in the property to Alphonse Kloh, Emil Baerwald and David Rumsey, said deed being recorded in Vol. 32, page 345, Pecos County Deed Records;

On December 14, 1916 certified copies of the Will and Probate Proceedings in connection with the estate of Charles J. Canda were filed and recorded in Vol. 35, page 252, Pecos County Deed Records, in which Charles J. Canda appointed Charles A. Canda and A. Beall Canda executors and trustees of his estate;

By deed dated February 11, 1915 Charles A. Canda and A. Beall Canda as executors and trustees of the Estate of Charles J. Canda, and Charles A. Canda and A. Beall Canda, individually, and Katherine E. Canda, Emeline Canda Wheeler, Angeline Canda and Estelle Canda Gayley, conveyed the interest in the property formerly owned by Charles J. Canda to Alphonse Kloh, Emil Baerwald and David Rumsey, said deed being recorded in Vol. 32, page 340, Pecos County Deed Records;

By deed dated December 20, 1916 Emeline Canda Wheeler and husband, Wm. Hyde Wheeler, Angeline Canda, a feme sole, and Estelle Canda Gayley and husband, Henry S. Gayley, conveyed the grantors' interest as heirs of Charles J. Canda in the property, to Alphonse Kloh, Emil Baerwald and David Rumsey, said deed being recorded in Vol. 35, page 405, Pecos County Deed Records; said deed being executed by Emeline Canda Wheeler and Estelle Canda Gayley, as they were not joined in the former deed by their husbands, and Angeline Canda was not recited in said deed to be a feme sole;

By deed dated November 28, 1922, A. Beall Canda, sole surviving executor and trustee under the will of Charles J. Canda, conveyed the interest of Charles J. Canda in the property to Alphonse Kloh, Emil Baerwald and David Rumsey, said deed being recorded in Vol. 46, page 72, Pecos County Deed Records. This deed was executed because the acknowledgments of Charles A. Canda and A. Beall Canda to the former deed were defective as they were taken before Russell Miles, a Commissioner of Deeds for Middlesex County, New Jersey, who was not properly authorized by the laws of Texas to take acknowledgments;

By deed dated February 7, 1917 Emil Baerwald conveyed all of his interest in the property to Alphonse Kloh, said deed being recorded in Vol. 36, page 64, Pecos County Deed Records;

By deed dated July 10, 1917 Alphonse Kloh and David Rumsey conveyed a one-third interest in the property to Robert H. White, said deed being recorded in Vol. 36, page 370, Pecos County Deed Records;

By deed dated April 2, 1918, Robert H. White conveyed all of his interest in the property to Alphonse Kloh and David Rumsey, said deed being recorded in Vol. 37, page 544, Pecos County Deed Records;

By deed dated July 10, 1920 Alphonse Kloh and David Rumsey conveyed a one-third interest in the property to W. Forbes Morgan, said deed being recorded in Vol. 42, page 64, Pecos County Deed Records;

3-14-13
A'

By deed dated April 24, 1905 Fannie H. Einstein, individually and as executrix of the Estate of Edwin Einstein conveyed the interest of said Edwin Einstein in said property to Charles J. Ganda, Simon J. Drake and Sigmund Neustadt, said deed being recorded in Vol. 12, page 314, Pecos County Deed Records;

On November 16, 1909 certified copies of the Will and Probate Proceedings in connection with the estate of Sigmund Neustadt were filed and recorded in Vol. 15, page 493, Pecos County Deed Records, and in which Agnes Neustadt, Cassimer I. Stralem and Mortimer I. Schiff were appointed executors and trustees of the estate of Sigmund Neustadt;

By deed dated August 30, 1909, Agnes Neustadt, Cassimer I. Stralem and Mortimer I. Schiff, as executors and trustees of the estate of Sigmund Neustadt, individually, conveyed the interest in the property to Charles J. Ganda, Simon J. Drake and Alphonse Kloth, said deed being recorded in Vol. 15, page 376, Pecos County Deed Records;

On December 5, 1916 certified copies of the Will and Probate Proceedings in connection with the estate of Simon J. Drake, in which the said Simon J. Drake appointed Craig F. R. Drake, Simon J. Drake, Jr. and Henry B. Brown as executors of his estate, were filed and recorded in Vol. 35, page 328, Pecos County Deed Records;

By deed dated January 30, 1915, Craig F. R. Drake, Simon J. Drake, Jr. and Henry B. Brown, executors and Union Trust Company of New York, Trustee of the Estate of Simon J. Drake, conveyed the interest of Simon J. Drake in the property to Alphonse Kloth, Emil Bernald and David Ramsey, said deed being recorded in Vol. 32, page 345, Pecos County Deed Records;

On December 14, 1916 certified copies of the Will and Probate Proceedings in connection with the estate of Charles J. Ganda were filed and recorded in Vol. 35, page 325, Pecos County Deed Records, in which Charles J. Ganda appointed Charles A. Ganda and A. Beall Ganda executors and trustees of his estate;

By deed dated February 11, 1915 Charles A. Ganda and A. Beall Ganda as executors and trustees of the Estate of Charles J. Ganda, and Charles A. Ganda and A. Beall Ganda, individually, and Katherine E. Ganda, Emeline Ganda Wheeler, Angelina Ganda and Estelle Ganda Gayley, conveyed the interest in the property formerly owned by Charles J. Ganda to Alphonse Kloth, Emil Bernald and David Ramsey, said deed being recorded in Vol. 32, page 340, Pecos County Deed Records;

By deed dated December 30, 1916 Emeline Ganda Wheeler and husband, Wm. Hyde Wheeler, Angelina Ganda, a feme sole, and Estelle Ganda Gayley and husband, Henry S. Gayley, conveyed the grantors' interest as heirs of Charles J. Ganda in the property, to Alphonse Kloth, Emil Bernald and David Ramsey, said deed being recorded in Vol. 35, page 405, Pecos County Deed Records; said deed being executed by Emeline Ganda Wheeler and Estelle Ganda Gayley, as they were not joined in the former deed by their husbands, and Angelina Ganda was not cited in said deed to be a feme sole;

By deed dated November 28, 1922, A. Beall Ganda, sole surviving executor and trustee under the will of Charles J. Ganda, conveyed the interest of Charles J. Ganda in the property to Alphonse Kloth, Emil Bernald and David Ramsey, said deed being recorded in Vol. 46, page 72, Pecos County Deed Records. This deed was executed because the acknowledgedments of Charles A. Ganda and A. Beall Ganda to the former deed were defective as they were taken before Russell Miles, a Commissioner of Deeds for Middlesex County, New Jersey, who was not properly authorized by the laws of Texas to take acknowledgments;

By deed dated February 7, 1917 Emil Bernald conveyed all of his interest in the property to Alphonse Kloth, said deed being recorded in Vol. 36, page 64, Pecos County Deed Records;

By deed dated July 10, 1917 Alphonse Kloth and David Ramsey conveyed a one-third interest in the property to Robert H. White, said deed being recorded in Vol. 36, page 370, Pecos County Deed Records;

By deed dated April 9, 1918, Robert H. White conveyed all of his interest in the property to Alphonse Kloth and David Ramsey, said deed being recorded in Vol. 37, page 544, Pecos County Deed Records;

By deed dated July 10, 1920 Alphonse Kloth and David Ramsey conveyed a one-third interest in the property to W. Forbes Morgan, said deed being recorded in Vol. 42, page 64, Pecos County Deed Records;

Ex. 5-4613

By deed dated July 5, 1927 W. Forbes Morgan conveyed a one-third interest in the property to Harold J. Abrams, said deed being recorded in Vol. 53, page 513, Pecos County Deed Records;

By deed dated September 30, 1931 Alphonse Kloh conveyed a one-third interest in the property to George C. Fraser, Jr., said deed being recorded in Vol. 66, page 461, Pecos County Deed Records;

By deed dated May 20, 1936 Harold J. Abrams conveyed a one-third interest in the property to George L. Burr, said deed being recorded in Vol. 74, page 225, Pecos County Deed Records;

On March 23, 1937 the will and probate proceedings in connection with the Estate of David Rumsey were filed and recorded in Vol. 76, page 95, Pecos County Deed Records, in which will said David Rumsey devised his interest in the property to his wife, Elizabeth Bailey Rumsey and appointed her executrix of his estate;

By deed dated March 18, 1937 Elizabeth Bailey Rumsey, individually and as sole executrix of the Estate of David Rumsey conveyed an undivided onethird interest in the property to David H. McAlpin, said deed being recorded in Vol. 76, page 100, Pecos County Deed Records;

By deed dated March 18, 1937 Elizabeth Bailey Rumsey, individually and as sole executrix of the Estate of David Rumsey conveyed all of said grantor's interest in the minerals in and under said property to David H. McAlpin, said deed being recorded in Vol. 76, page 99, Pecos County Deed Records.

That the Patent issued by the State of Texas to the said The Texas & Pacific Railway Company called for 640 acres of land. That affiant has had said section resurveyed and that on such resurvey said section was found to consist of 646.32 acres, or 6.32 acres more than shown in the original patent; that title to said section as originally patented is now owned by George C. Fraser, Jr., George L. Burr and David H. McAlpin, and that title to parts of said section is affected by the existence of such excess.

Ray McDowell

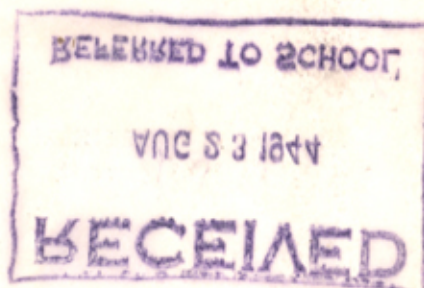
General and State Agent for George C. Fraser, Jr., George L. Burr and David H. McAlpin.

SWORN TO AND SUBSCRIBED before me by
Ray McDowell, on this, 15 day of
August, 1944.

L. R. Hogg

(L R Hogg)

Notary Public, Dallas County, Texas



82413

7

A2

PLAT

THE STATE OF TEXAS

T & P Co. Survey
No. 171
Blk. 3
Cert. 1/615
Tsp.

Pecos COUNTY

SEE ACCOMPANYING MAP RECORDED ON PAGE 160, VOLUME 11, OF COUNTY SURVEYOR'S RECORDS, PECOS COUNTY, TEXAS

See Pecos Co. Rolled Sk. N 117

CORRECTED FIELD NOTES of a survey of

646.32 acres of land for

George C. Fraser et al

by virtue of Section 4 of House Bill No. 9, passed at the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939, regulating the sale of excess acreage in titled or patented surveys. Said land is situated in Pecos County, about 21-1/2 miles S. 64 1/2° W from

Fort Stockton, the county seat, and is described by metes and bounds as follows, to-wit:

Beginning at the common corner of surveys 166, 167 and 170 this block and the north-west corner of this survey, whence the original stone mound set by Murray Harris in WBL, Block 3, for the SW corner 168 and NW corner 169 this block bears S. 89° 54' 06" W 3818.41 varas;

Thence N. 89° 54' 06" E along the south boundary line of survey 166 this block 1909.63 varas to the common corner of surveys 165, 166 and 172 this block and the northeast corner of this survey;

Thence S. 0° 01' 02" E along the west boundary line of survey 172 this block 1910.7 varas to the common corner of surveys 172, 207 and 208 this block and the southeast corner of this survey;

Thence S. 89° 54' 18" W along the north boundary line of survey 208 this block 1909.75 varas to the common corner of surveys 170, 208 and 209 this block and the southwest corner of this survey, whence the original stone mound set by Murray Harris in the SBL Block 3 for the SW corner of 208 and SE corner 209 this block bears S. 0° 00' 49" E 1903.48 varas;

Thence N. 0° 00' 49" W along the east boundary line of survey 170 this block 1910.58 varas to the place of beginning.

to the place of beginning.

Variation 11° 55' E.

Chain Carriers Tony Gonzales

Bearings marked

Ignacio Valencia Franco

Surveyed & completed July 17, 1944

By

(Signature of Surveyor)

I, F. W. Estill, License State Land Surveyor of Winkler County, Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and they are recorded in Book _____, Page _____, of the County Surveyor's Records of _____ County, Texas.

This 11th day of August, 1944

License State Land Surveyor of Winkler County, Texas.

I, A. N. Lea, County Surveyor of Pecos County, Texas, do hereby certify that the foregoing field notes were filed on this the 15 day of August, A. D. 1944, at 11 o'clock, and they are duly recorded on Page 164 of Vol. 11 of the County Surveyor's Records of Pecos County, Texas.

This the 15 day of August, A. D. 1944.

RECEIVED
AUG 23 1944
REFERRED TO SCHOOL

A. N. Lea

County Surveyor, Pecos County, Texas

I, F. W. Estill License State Land

Surveyor of Winkler County, Texas

County, do hereby certify that the character and reasonable market value of the land included within the limits of the within field notes are as follows:

Soil (state character) alluvial loam

Timber none

Value \$ 2.00 per acre (including timber)

Surveyor

GENERAL LAND OFFICE
Austin, Texas

File No. 4613

Bexar Scrip

Corrected Field Notes

Filed Aug. 23 - 1944

Bascom Giles

Commissioner

Approved
Rejected

19

Commissioner

CORRECT ON MAP FOR 646 ACRES to purchase excess - 10-10-44

Attee

*Deed of gift
11-16-44
11-16-44*

*10-9-44
T.A.*

RECORDS - BEXAR COUNTY, TEXAS
100' ACRES IT' ON COUNTY SURVEYOR'S
SEE ACCORDING MAP RECORDED ON PAGE

THE STATE OF TEXAS

Lab
Self
Bik
No
10-9-44
T.A.

289

ACCEPTANCE OF TERMS OF SALE OF EXCESS ACREAGE

(Titled or Patented Surveys)

Dallas, Texas, November 3, 1944, 19

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

I hereby accept the terms of sale of 6.32 acres of land as excess acreage within the tract of land hereinafter described as stated in your letter dated October 27, 1944, and apply for a Deed of Acquittance to the same under the provisions of Section 4 of House Bill No. 9, passed by the Regular Session of the Forty-sixth Legislature, and approved June 19, 1939.

The said tract of land is situated in Pecos County, Texas, about 21½ miles S. 64½ Deg. W. from Ft. Stockton, the county seat, and is briefly described as fol-

lows, to-wit:

Survey

T&P Ry

No.

171

Block No.

3

Certificate No.

1/615

Tsp. No.

Excess Acreage

6.32

Acres in Survey

646.32

Classification

I agree to pay for said 6.32 acres of land the price of \$3.00 Dollars

per acre as fixed by the School Land Board, and I hereby enclose the sum of \$18.96 Dollars as the cash payment therefor.

I further agree that the sale of such excess acreage is made with* no mineral reservation in favor of the State of Texas.

I further agree that the sale shall inure distributively to the benefit of the true and lawful owners of said survey in proportion to their holdings.

Ray McSorrell
General Agent for George C. Fraser, ~~XXXXXX~~
George L. Burr and David H. McAlpin, Purchasers

Post Office 1123 Republic Bank Bldg.
Dallas 1, Texas

Sworn to and subscribed before me this the 3rd day of November, 19 44.

For 1658

Notary Public, Dallas County, Texas

IMPORTANT NOTICE

*NOTE: The stipulation with reference to the reservation of minerals contained in the letter referred to in the first paragraph of this Acceptance of Terms of Sale should be included in this space.

The sale of excess acreage is made in every instance with such reservation of minerals, or with no mineral reservation, accordingly as may have been the case when the survey was titled or patented.

18-96 Reg No 8537
RECEIVED - GENERAL LAND OFFICE

AMT. REC'D \$..... REG. NO.....

NOV 8 10 11

IMPORTANT NOTICE

action, accordingly as may have been the case when the sale of excess acreage is made in every instance with such reservation of minerals contained in the title reserved to in the last date-graph of this Acceptance of Terms of Sale should be included in this space.

*NOTE: The stipulation with reference to the reservation of minerals contained in the title reserved to in the last date-

Notary Public, Dallas, Texas
 18-96

Sworn to and subscribed before me this the 3rd day of November

1944

Dallas, Texas
 Post Office 1133 Republic Bank Bldg.

George L. Burr and David H. McAlpin, Purchasers
 General Agent for George C. Fraser, Seller

I further agree that the sale shall inure distributively to the benefit of the true and lawful owners of said survey in proportion to their holdings.

I further agree that the sale of such excess acreage is made with no mineral reservation in favor of the State of Texas.

as the cash payment therefor.

Dollars

Dollars

I agree to pay for said

acres of land at the price of

Dollars

Austin, Texas

No. 2590

**ACCEPTANCE OF TERMS OF SALE OF
 EXCESS ACREAGE
 (Titled or Patented Surveys)**

of

George C. Fraser, et al.
 Dallas, Texas.

H & P Reg #171 Survey
 Pecos County, Texas

Filed 11-8 - A. D. 1944

Bascom Giles
 Commissioner

Approved 11-8, 1944
 Rejected

Bascom Giles
 Commissioner

The said tract of land is situated in

Pecos

County, Texas, about 2 1/2

miles

Session of the Forty-sixth Legislature, and approved June 13, 1939.

of Acquittance to the same under the provisions of Section 4 of House Bill No. 9, passed by the Regular Session of the Forty-sixth Legislature, and approved June 13, 1939, and apply for a Deed

I hereby accept the terms of sale of 6.33 acres of land as excess acreage within the tract of land

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE, AUSTIN, TEXAS:

Dallas, Texas, November 3, 1944

(Titled or Patented Surveys)

ACCEPTANCE OF TERMS OF SALE OF EXCESS ACREAGE

8537



BASCOM GILES, Commissioner.
ALVIS VANDYGRIF, Chief Clerk.

DUPLICATE RECEIPT

(To be Kept by Land Office)

LEDGER 1

PAGE 105

FILE NO. 4613

POSTED

Post Office Dallas Texas, 1944

To THE COMMISSIONER General Land Office, Austin, Texas.

I enclose

(Say whether Money Order or Draft on a Bank in Austin, or Cash.)

for \$ 576¹⁸

of which \$ 18.96 are for principal
\$ _____ are for interest
\$ _____ are for fees

payment on the following land purchased from the State,
to-wit:

Section	Block	Township	Certificate	SURVEY	Acres	County
<u>171</u>	<u>3</u>		<u>1615</u>	<u>L & P Ry</u>	<u>6.32</u>	<u>Pecos</u>

Traver, Bess & McAlpin 11-8-1944
(Name of Sender.) Received remittance as stated above.

(Address)

Commissioner General Land Office.

(Address)

Commissioner General Land Office

(Name of Banker.)

Received remittance as stated above.

151	Block	Township	Quarter	Section	Acres	County
W			1/4	8	6.35	Boone

Receipt

2 are for fees
2 are for interest
2 are for principal
18.30
Payment on the following land purchased from the State

1 enclosed

(See whether Money Order or Draft or a Bank in Advance or Cash)

for \$ 276.18

TO THE COMMISSIONER GENERAL LAND OFFICE, Austin, Texas.

File No. 151

POSTED

Post Office

Boone, Texas, 1907

(To be Kept by Land Office)

PAGE 102

17898

DUPLICATE RECEIPT



ALVIN A. VANDERHART, Civil Clerk
BASCOR GILLES, Commissioner.

SECTION	BLOCK	CERTIFICATE	GRANTEE	COUNTY	FILE NO.
171	3	1/615	T&P Ry	Pecos	Bexar 4613

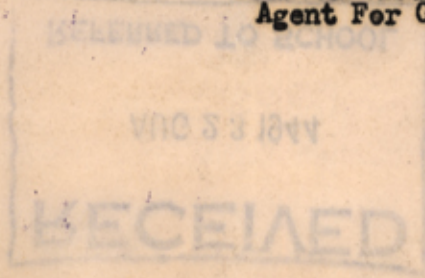
In addition to the information furnished in application to purchase and field notes, the following is required:
(This information should be forwarded with your application to purchase)

1. Kind of soil and topography of surface and purpose for which it is adapted—agricultural or grazing.
aluvial loam - grazing - rolling
2. Type and value of timber, if any.
No timber
3. Assessed value. (If not rendered for taxation, give last assessed value of adjoining lands.)
\$1.37½ per acre
4. Surveyer's estimate of actual value without improvements, per acre.
\$2.00 per acre
5. Claimant's estimate of actual value without improvements, per acre.
\$2.50 per acre
6. Distance and direction from nearest oil or gas field, naming field.
Chancellor ~~XXXXXX~~ S 10½ E 8.3 miles
7. Distance and direction from nearest oil or gas well producing or capable of producing oil or gas in commercial quantities.
~~XXXXXX~~ S 10½ E 8.3 miles
8. Distance and direction from nearest drilling oil well.
~~XXXXXX~~ S 41 E 4.7 miles
9. Distance and direction from nearest dry hole.
~~XXXXXX~~ N 78 3/4 W. 4.1 miles
10. Is the land under oil and gas lease? If so, state amount of cash paid, rate of royalty, drilling obligation and to whom leased.
Yes, E/2. Cash \$1280. Date 8/13/42. Term 10 years. Phillips Petr. Co., Lessee. No drilling obligation.
(If there is oil or gas production on this tract, kindly give the following information.)
 - (a) Number of producing oil wells and depth from which they produce.
 - (b) Number of producing gas wells and depth from which they produce.
 - (c) Name of Field in which the tract is located and how long producing.

I certify that the above information is true and correct according to the best of my knowledge and belief.

WITNESS my hand this 15 day of August, 1944.

Ray W. Green
Agent For Geo. C. Fraser et al.



RECEIVED

AUG 23 1944

REFERRED TO SCHOOL

+ map

the post of the...
I certify that the above information is true and correct according to

- (a) Name of State in which the place is located and how long
- (b) Name of location and date and other from which the location
- (c) Name of location and date and other from which the location

(d) Name of location and date and other from which the location

(e) Name of location and date and other from which the location

(f) Name of location and date and other from which the location

(g) Name of location and date and other from which the location

(h) Name of location and date and other from which the location

(i) Name of location and date and other from which the location

(j) Name of location and date and other from which the location

(k) Name of location and date and other from which the location

(l) Name of location and date and other from which the location

(m) Name of location and date and other from which the location

(n) Name of location and date and other from which the location

(o) Name of location and date and other from which the location

(p) Name of location and date and other from which the location

(q) Name of location and date and other from which the location

(r) Name of location and date and other from which the location

(s) Name of location and date and other from which the location

(t) Name of location and date and other from which the location

(u) Name of location and date and other from which the location

(v) Name of location and date and other from which the location

(w) Name of location and date and other from which the location

(x) Name of location and date and other from which the location

(y) Name of location and date and other from which the location

(z) Name of location and date and other from which the location

(aa) Name of location and date and other from which the location

(ab) Name of location and date and other from which the location

(ac) Name of location and date and other from which the location

(ad) Name of location and date and other from which the location

(ae) Name of location and date and other from which the location

(af) Name of location and date and other from which the location

(ag) Name of location and date and other from which the location

(ah) Name of location and date and other from which the location

(ai) Name of location and date and other from which the location

SECTION BLOCK CHAIRS CHAIRS CHAIRS CHAIRS

SECTION BLOCK CHAIRS CHAIRS CHAIRS CHAIRS

SECTION BLOCK CHAIRS CHAIRS CHAIRS CHAIRS

SECTION BLOCK CHAIRS CHAIRS CHAIRS CHAIRS

BS 4613
Questionnaire

10